



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 9, 2008

Representative Robert Theberge, Chairman
Municipal and County Government Committee
Legislative Office Building, Room 301
Concord, NH 03301

SUBJECT: HB-1476-FN - AN ACT relative to shooting ranges

Dear Chairman Theberge and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill 1476-FN. This legislation would prohibit state agencies and municipalities from closing or permanently suspending the operation of a shooting range that is operated in compliance with nationally recognized safety standards. As written, the bill prohibits the Department of Environmental Services (Department) from using one of the enforcement tools that are available to the state to address violations of state laws protect human health and the environment. Accordingly, the Department must register its opposition to HB 1476-FN.

State environmental laws typically provide for criminal, civil and administrative penalties for violations. Civil law enforcement techniques include the assessment by the Superior Court of monetary penalties against the responsible party and an injunction requiring an environmental cleanup and compliance with the law, including the cessation of activities that violates the law. Administrative enforcement techniques include the assessment of fines and the issuance of administrative orders that require remediation of unlawful contamination of the environment and compliance with the law, including the cessation of activities that violate the law.

Over the last twenty years, the Department has become aware of a number of shooting ranges whose activities have resulted in contamination of soil, groundwater, and surface waters of the state. In all cases, the Department has worked with the owners of those facilities to address the violations, clean up the contamination, and restore soil and water quality. In most cases, the facilities have continued their operations, albeit with modified practices designed to avoid further violations. In some cases, the facilities have opted to discontinue certain shooting activities in order to avoid causing further contamination. In still fewer cases, the Department has exercised its authority to protect human health and the environment, and has ordered facilities to cease the shooting activities causing the violation. In no case has the Department ordered complete, permanent closure of a shooting range.

The Department opposes this legislation because it grants a special exemption to shooting ranges, excluding such facilities from enforcement and penalty provisions of state environmental protection laws that currently apply broadly to all New Hampshire citizens and businesses. Given the Department's history of working cooperatively with these facilities over time, and the potentially serious adverse environmental and public health impacts that they can cause, the Department does not support the enactment of a statute that would, in our view, unreasonably and unnecessarily interfere with the agency's ability to enforce the State's environmental laws.

If you have any questions regarding this letter of testimony, please do not hesitate to call me or Mike Wimsatt, Director, Waste Management Division at 271-2905.

Sincerely,



Thomas Burack
Commissioner

cc: HB 1476 Sponsors
Michael J. Wimsatt, P.G., Director, Waste Management Division